

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF MASSACHUSETTS**

C.A. NO. 05-40075FDS

DANIEL HOUDE,

Plaintiff,

v.

ROBERT TURGEON, STEPHEN GUNNERSON,
KEVIN JOHANSON, MATTHEW D'ANDREA,
BRIAN HALLORAN, THOMAS DUFFY,
SEAN MCCANN and CITY OF WORCESTER

Defendants.

**PLAINTIFF'S MOTION IN LIMINE REQUIRING FULL DISCLOSURE, TO BE
KEPT BY PLAINTIFF'S COUNSEL UNDER SEAL, OF INTERNAL AFFAIRS
DIVISION RECORDS PERTAINING TO COMPLAINTS AGAINST EACH
DEFENDANT OFFICER**

Plaintiff Daniel Houde hereby submits this motion in limine per the Court's
January 4, 2008 Order.

(1) On September 6, 2006, Magistrate Judge Hillman ordered Defendants to produce "[a]ll records maintained by the Internal Affairs Division pertaining to complaints filed against each of the Defendant Officers, including the investigation and disposition of each complaint. However, identifying information *pertaining to each complainant, witness and/or interviewee* shall be redacted pending further order of the Court...".

(2) Defendants produced certain documents subject to this Order, but redacted more information than allowed by the Court. In many cases, the names of the officers, as well as the complainant's and witnesses have been redacted.

(3) In any event, at this time, Plaintiff's counsel requests that he receive full, clean (unredacted) copies of the Internal Affairs Division Reports so he can properly prepare for trial. Plaintiff's counsel states that he will maintain these records in his office and "for attorneys eyes only." Unless further Order is granted by this Court, Plaintiff's counsel states that he will not even show them to his client.

(4) The reason that these records are needed is that they might contain information for rebuttal, cross-examination or impeachment. Plaintiff's counsel states that he would advise the Court and opposing counsel prior to using any such records for these purposes at trial.

(5) Plaintiff's counsel also states that these records shall be immediately returned to Defendants' counsel or destroyed at the conclusion of the trial.

(6) Under these limited circumstances, there is no prejudice to the production of these documents, and the review of them by only Plaintiff's counsel..

WHEREFORE, Plaintiff requests that the foregoing motion be allowed and that clean copies of Internal Affairs Division Records of all Defendants' be produced to Plaintiff's attorney for "Attorney's Eyes Only" and under the other conditions set forth herein.

Respectfully submitted,

PLAINTIFF DANIEL HOUDE,

By his attorney,

/s/ Timothy J. Perry

Timothy J. Perry (BBO #631397)

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Certificate Regarding Service

I hereby certify that this document was served upon all counsel of record by the Court's ECF system.

Date: January 23, 2008

/s/ Timothy J. Perry

Timothy J. Perry